

Adopted	Rejected
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## COMMITTEE REPORT

YES:	10
NO:	0

### MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 418, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.37-2000,
- 4       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2001]: Sec. 4. (a) The following public records are excepted
- 6       from section 3 of this chapter and may not be disclosed by a public
- 7       agency, unless access to the records is specifically required by a state
- 8       or federal statute or is ordered by a court under the rules of discovery:
- 9       (1) Those declared confidential by state statute.
- 10       (2) Those declared confidential by rule adopted by a public
- 11       agency under specific authority to classify public records as
- 12       confidential granted to the public agency by statute.
- 13       (3) Those required to be kept confidential by federal law.
- 14       (4) Records containing trade secrets.
- 15       (5) Confidential financial information obtained, upon request,

1 from a person. However, this does not include information that is  
 2 filed with or received by a public agency pursuant to state statute.

3 (6) Information concerning research, including actual research  
 4 documents, conducted under the auspices of an institution of  
 5 higher education, including information:

6 (A) concerning any negotiations made with respect to the  
 7 research; and

8 (B) received from another party involved in the research.

9 (7) Grade transcripts and license examination scores obtained as  
 10 part of a licensure process.

11 (8) Those declared confidential by or under rules adopted by the  
 12 supreme court of Indiana.

13 (9) Patient medical records and charts created by a provider,  
 14 unless the patient gives written consent under IC 16-39.

15 (10) Application information declared confidential by the  
 16 twenty-first century research and technology fund board under  
 17 IC 4-4-5.1.

18 (b) Except as otherwise provided by subsection (a), the following  
 19 public records shall be excepted from section 3 of this chapter at the  
 20 discretion of a public agency:

21 (1) Investigatory records of law enforcement agencies. However,  
 22 certain law enforcement records must be made available for  
 23 inspection and copying as provided in section 5 of this chapter.

24 (2) The work product of an attorney representing, pursuant to  
 25 state employment or an appointment by a public agency:

26 (A) a public agency;

27 (B) the state; or

28 (C) an individual.

29 (3) Test questions, scoring keys, and other examination data used  
 30 in administering a licensing examination, examination for  
 31 employment, or academic examination before the examination is  
 32 given or if it is to be given again.

33 (4) Scores of tests if the person is identified by name and has not  
 34 consented to the release of his scores.

35 (5) The following:

36 (A) Records relating to negotiations between the department  
 37 of commerce, the Indiana development finance authority, the  
 38 film commission, the Indiana business modernization and

technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

**(B) Records relating to negotiations between the department of transportation and landowners if the records are created in anticipation of the negotiations or while the negotiations are in progress.**

**(C)** Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

~~(C)~~ **(D)** When disclosing a final offer under clause ~~(B)~~; **(C)**, the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

**(E) Notwithstanding clause (B), the terms of the final offer of public financial resources communicated by the Indiana department of transportation to a landowner shall be available for inspection and copying under section 3 of this chapter after negotiations with that landowner have terminated.**

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and

- 1 training background, previous work experience, or dates of  
2 first and last employment of present or former officers or  
3 employees of the agency;
- 4 (B) information relating to the status of any formal charges  
5 against the employee; and
- 6 (C) information concerning disciplinary actions in which final  
7 action has been taken and that resulted in the employee being  
8 disciplined or discharged.
- 9 However, all personnel file information shall be made available  
10 to the affected employee or his representative. This subdivision  
11 does not apply to disclosure of personnel information generally on  
12 all employees or for groups of employees without the request  
13 being particularized by employee name.
- 14 (9) Minutes or records of hospital medical staff meetings.
- 15 (10) Administrative or technical information that would  
16 jeopardize a record keeping or security system.
- 17 (11) Computer programs, computer codes, computer filing  
18 systems, and other software that are owned by the public agency  
19 or entrusted to it and portions of electronic maps entrusted to a  
20 public agency by a utility.
- 21 (12) Records specifically prepared for discussion or developed  
22 during discussion in an executive session under IC 5-14-1.5-6.1.  
23 However, this subdivision does not apply to that information  
24 required to be available for inspection and copying under  
25 subdivision (8).
- 26 (13) The work product of the legislative services agency under  
27 personnel rules approved by the legislative council.
- 28 (14) The work product of individual members and the partisan  
29 staffs of the general assembly.
- 30 (15) The identity of a donor of a gift made to a public agency if:
- 31 (A) the donor requires nondisclosure of his identity as a  
32 condition of making the gift; or
- 33 (B) after the gift is made, the donor or a member of the donor's  
34 family requests nondisclosure.
- 35 (16) Library or archival records:
- 36 (A) which can be used to identify any library patron; or
- 37 (B) deposited with or acquired by a library upon a condition  
38 that the records be disclosed only:

- 1 (i) to qualified researchers;
- 2 (ii) after the passing of a period of years that is specified in
- 3 the documents under which the deposit or acquisition is
- 4 made; or
- 5 (iii) after the death of persons specified at the time of the
- 6 acquisition or deposit.

7 However, nothing in this subdivision shall limit or affect  
8 contracts entered into by the Indiana state library pursuant to  
9 IC 4-1-6-8.

10 (17) The identity of any person who contacts the bureau of motor  
11 vehicles concerning the ability of a driver to operate a motor  
12 vehicle safely and the medical records and evaluations made by  
13 the bureau of motor vehicles staff or members of the driver  
14 licensing advisory committee. However, upon written request to  
15 the commissioner of the bureau of motor vehicles, the driver must  
16 be given copies of the driver's medical records and evaluations  
17 that concern the driver.

18 (18) School safety and security measures, plans, and systems,  
19 including emergency preparedness plans developed under 511  
20 IAC 6.1-2-2.5.

21 (c) Notwithstanding section 3 of this chapter, a public agency is not  
22 required to create or provide copies of lists of names and addresses,  
23 unless the public agency is required to publish such lists and  
24 disseminate them to the public pursuant to statute. However, if a public  
25 agency has created a list of names and addresses, it must permit a  
26 person to inspect and make memoranda abstracts from the lists unless  
27 access to the lists is prohibited by law. The following lists of names and  
28 addresses may not be disclosed by public agencies to commercial  
29 entities for commercial purposes and may not be used by commercial  
30 entities for commercial purposes:

- 31 (1) A list of employees of a public agency.
- 32 (2) A list of persons attending conferences or meetings at a state  
33 institution of higher education or of persons involved in programs  
34 or activities conducted or supervised by the state institution of  
35 higher education.
- 36 (3) A list of students who are enrolled in a public school  
37 corporation if the governing body of the public school corporation  
38 adopts a policy:

- 1 (A) prohibiting the disclosure of the list to commercial entities  
 2 for commercial purposes; or  
 3 (B) specifying the classes or categories of commercial entities  
 4 to which the list may not be disclosed or by which the list may  
 5 not be used for commercial purposes.

6 A policy adopted under subdivision (3) must be uniform and may not  
 7 discriminate among similarly situated commercial entities.

8 (d) Nothing contained in subsection (b) shall limit or affect the right  
 9 of a person to inspect and copy a public record required or directed to  
 10 be made by any statute or by any rule of a public agency.

11 (e) Notwithstanding any other law, a public record that is classified  
 12 as confidential, other than a record concerning an adoption, shall be  
 13 made available for inspection and copying seventy-five (75) years after  
 14 the creation of that record.

15 (f) Notwithstanding subsection (e) and section 7 of this chapter:

- 16 (1) public records subject to IC 5-15 may be destroyed only in  
 17 accordance with record retention schedules under IC 5-15; or  
 18 (2) public records not subject to IC 5-15 may be destroyed in the  
 19 ordinary course of business.

20 SECTION 2. IC 8-23-6-6.5 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2001]: **Sec. 6.5. The department may not give consent to an  
 23 opening in state route number three hundred thirty-one (331), as  
 24 described in section 1 of this chapter, other than at the intersection  
 25 of the following highways:**

- 26 (1) **The Indiana toll road.**  
 27 (2) **Douglas Road.**  
 28 (3) **Day Road.**  
 29 (4) **McKinley Highway.**  
 30 (5) **Jefferson Boulevard.**  
 31 (6) **Highway 933 or Lincoln Way East.**  
 32 (7) **Harrison Road or 12th Street.**  
 33 (8) **Dragoon Trail.**  
 34 (9) **The most recently established U.S. highway 20 bypass as  
 35 of January 1, 1997."**

36 Page 2, between lines 1 and 2, begin a new paragraph and insert:

37 "SECTION 4. IC 9-21-19-1 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A person may

1 not:

2 (1) construct a private entrance, driveway, or approach connecting  
3 with a highway in the state highway system or the state  
4 maintained route through a city or town; or

5 (2) cut or remove a curb along a highway;  
6 without a written permit from the Indiana department of transportation.  
7 The action must be in accordance with the rules and requirements of  
8 the department.

9 **(b) Notwithstanding subsection (a), the Indiana department of**  
10 **transportation may not issue a permit for a curb cut at any point**  
11 **along state route number three hundred thirty-one (331), as**  
12 **described in IC 8-23-6-1."**

13 Renumber all SECTIONS consecutively.

(Reference is to SB 418 as printed February 2, 2001.)

**and when so amended that said bill do pass.**

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Representative Cook